1	J. CHARLES COONS, ESQ. Nevada Bar No. 10553		
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	Assistant General Counsel at Righthaven JOSEPH C. CHU, ESQ.		
3	Nevada Bar No. 11082 jchu@righthaven.com		
4	Staff Attorney at Righthaven		
5	Righthaven LLC 9960 West Cheyenne Avenue, Suite 210		
6	Las Vegas, Nevada 89129-7701 (702) 527-5900		
7	Attorneys for Plaintiff		
8	UNITED STATES	S DISTRICT COURT	
9	DISTRICT OF NEVADA		
	DISTRICT	OF NEVADA	
10			
11	RIGHTHAVEN LLC, a Nevada limited- liability company,	Case No.: 2:10-cv-01764	
12	intentity company,	COMPLAINT AND DEMAND FOR JURY TRIAL	
13	Plaintiff,		
14	v.		
15			
16	SCOTT ARPAJIAN, an individual,		
17	Defendant.		
18			
19			
20	Righthaven LLC ("Righthaven") complains as follows against Scott Arpajian ("Mr.		
21	Arpajian") on information and belief:		
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23	NATURE	OF ACTION	
24	1. This is an action for copyright in	nfringement pursuant to 17 U.S.C. § 501.	
	11 11 15 11 11 10 11 10 10 10 10 10 10 10 10 10	gement pursuant to 17 classes, 3 corr	
25	DA-	DIVING	
26		RTIES	
27	2. Righthaven is, and has been at a	ll times relevant to this lawsuit, a Nevada limited	
28	liability company with its principal place of but	siness in Nevada.	

- 3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.
- 4. Mr. Arpajian is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. ("GoDaddy"), as the registrant of the Internet domain found at <idisappoint.com> (the "Domain").

JURISDICTION

- 5. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).
- 6. Righthaven is the owner of the copyright in the literary work entitled: "Unruly celebrities get zero tolerance" (the "Work"), attached hereto as Exhibit 1.
- 7. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.
- 8. Mr. Arpajian willfully copied, on an unauthorized basis, a substantial and significant portion of the Work from a source emanating from Nevada.
- 9. On or about September 21, 2010, Mr. Arpajian displayed, and continues to display, an unauthorized copy of the Work (the "Infringement"), attached hereto as Exhibit 2, as part of the content accessible through the Domain (said content accessible through the Domain known herein as the "Website").
- 10. At all times relevant to this lawsuit, the Infringement has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.
- 11. The subject matter, at least in part, of the Work and the Infringement, is the recent string of celebrity arrests in Las Vegas, Nevada.
- 12. At all times relevant to this lawsuit, Mr. Arpajian knew that the Work was originally published in the Las Vegas *Review-Journal*.
- 13. At all times relevant to this lawsuit, Mr. Arpajian knew that the Infringement was and is of specific interest to Nevada residents.

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14. Mr. Arpajian's display of the Infringement was and is purposefully directed at Nevada residents.

VENUE

- 15. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to the claim for relief are situated in Nevada.
- 16. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1400 (a), because Mr. Arpajian is subject to personal jurisdiction in Nevada.

FACTS

- 17. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).
 - 18. Righthaven is the owner of the copyright in and to the Work.
 - 19. The Work was originally published on or about September 19, 2010.
- 20. On October 6, 2010, the United States Copyright Office (the "USCO") received Righthayen's official submittal for the registration to the Work, including the application, the deposit copy, and the registration fee (the "Complete Application"), Service Request No. 1-498243683, and attached hereto as Exhibit 3 is the official USCO application submittal for the Work depicting the occurrence of the Complete Application.
- 21. On or about September 21, 2010, Mr. Arpajian displayed, and continues to display, the Infringement on the Website.
- 22. Mr. Arpajian did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.
- 23. Mr. Arpajian was not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

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CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

- 24. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 23 above.
- 25. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).
- 26. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).
- 27. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).
- 28. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).
- 29. Mr. Arpajian reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(1).
- 30. Mr. Arpajian created an unauthorized derivative of the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).
- 31. Mr. Arpajian distributed, and continues to distribute, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(3).
- 32. Mr. Arpajian publicly displayed, and continues to publicly display, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).
 - 33. Mr. Arpajian has willfully engaged in the copyright infringement of the Work.
- 34. Mr. Arpajian's acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.
- 35. Unless Mr. Arpajian is preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus

entitled to preliminary and permanent injunctive relief against further infringement by Mr. Arpajian of the Work, pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

- 1. Preliminarily and permanently enjoin and restrain Mr. Arpajian, and Mr. Arpajian's agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under Mr. Arpajian, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;
- 2. Direct Mr. Arpajian to preserve, retain, and deliver to Righthaven in hard copies or electronic copies:
 - a. All evidence and documentation relating in any way to Mr. Arpajian's use of the Work, in any form, including, without limitation, all such evidence and documentation relating to the Website;
 - b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom Mr. Arpajian has communicated regarding Mr. Arpajian's use of the Work; and
 - c. All financial evidence and documentation relating to Mr. Arpajian's use of the Work;
- 3. Direct GoDaddy, and any successor domain name registrar for the Domain, to lock the Domain and transfer control of the Domain to Righthaven;
- 4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);
- 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

Case 2:10-cv-01764-KJD-LRL Document 1 Filed 10/12/10 Page 6 of 6

1	6. Award Righthaven pre- and post-judgment interest in accordance with applicat	ole	
2	law; and		
3	7. Grant Righthaven such other relief as this Court deems appropriate.		
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6	DEMAND FOR JURY TRIAL		
7	Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil	ghthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil	
8	Procedure.		
9	Dated this twelfth day of October, 2010.		
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11	RIGHTHAVEN LLC		
12			
13	By: /s/ J. Charles Coons J. CHARLES COONS, ESQ.		
14 15	Nevada Bar No. 10553 JOSEPH C. CHU, ESQ. Nevada Bar No. 11082		
16	9960 West Cheyenne Avenue, Suite 210 Las Vegas, Nevada 89129-7701 Attorneys for Plaintiff		
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